UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/811,259	03/26/2004	Glenna G. Mayo	200310943-1	1655

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EXAMINER
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ART UNIT	PAPER NUMBER
2164	

DATE MAILED: 10/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>26 March 2004</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-29</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-29</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date <u>8/13/2004</u>.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____ .

DETAILED ACTION

1.   Application No. 10/811259 filed on 3/26/2004 has been examined. In this Office

Action, claims 1-29 are pending.

Information Disclosure Statement

2.   The information disclosure statement (IDS) submitted on 3/26/2004 is in

compliance with the provisions of 37 CFR 1.97 and has been considered by the

examiner.

Claim Rejections - 35 USC § 101

3.   35 U.S.C. § 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of
>
> matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the
>
> conditions and requirements of this title.

4.   Claims 1-29 are rejected under 35 U.S.C. § 101, because none of the claims are

directed to statutory subject matter. Independent claims 1, 12, 17 and 25 merely

claiming nonfunctional descriptive material, i.e., abstract ideas. Even when a claim that

recites a computer that solely calculates a mathematical formula or a computer disk that

solely stores a mathematical formula is not directed to the type of statutory subject

matter eligible for patent protection. The claims are not producing useful, concrete and

tangible results. See Diehr, 450 U.S. at 186 and Gottschalk v. Benson, 409 U.S. 63,

71-72 (1972).

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
>
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
>
> the prior art are such that the subject matter as a whole would have been obvious at the time the
>
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
>
> Patentability shall not be negatived by the manner in which the invention was made.

> This application currently names joint inventors. In considering patentability of the claims
>
> under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was
>
> commonly owned at the time any inventions covered therein were made absent any evidence to the
>
> contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and
>
> invention dates of each claim that was not commonly owned at the time a later invention was made in
>
> order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e),
>
> (f) or (g) prior art under 35 U.S.C. 103(a).

6.   Claims 1-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Picher-Dempsey (US Patent 6,779,031) hereinafter Picher, and in view of Salo et al.

(USPA Pub. 2004/0255007 A1) hereinafter Salo.

7.   As per independent claim 1, Picher teaches a system and method to provide a

quality of service (QoS) server that stores and monitors user sessions with Simple

Network Management Protocol (SNMP) messages and in addition, the QoS server

gathers event startup/teardown information and network router state information (col. 1,

lines 45-49). Picher teaches the claimed, a web server interface that couples one or

more guests to the Internet (Fig. 2, col. 3, lines 30-32). Picher teaches the claimed, a

usage collector application that monitors usage of all of said guests (Fig. 3, col. 5,

lines 15-19). Picher does not teach explicitly web pages cached in guest local memory.

However, Salo teaches the claimed, web cache software that caches web pages that

may be of interest to one or more guests in a local memory of the access point (Fig. 2,

page 1, paragraph [0016]). Thus, it would have been obvious to one of ordinary skill in

the data processing art at the time of the invention, to have combined the teachings of

the cited references because Salo's teachings would have allowed Picher's method to

provide the requested data from the ISP cache directly without having to connect to the

internet directly and saving cost for accessing the internet (page 1, paragraph [0002]).

8.   As per dependent claim 2, Picher and Salo combined teaches claim 1. Salo

teaches the claimed, the web cache software predicts web pages that may be of

interest to a guest based on that guest's usage pattern, and caches those pages in local

memory (Fig. 3, page 2, paragraph [0018]).

9.   As per dependent claim 3, Picher and Salo combined teaches claim 1. Salo

teaches the claimed, the web cache software initiates a signal to the guest indicating

that the cached pages are available for viewing (Fig. 2, page 1, paragraph [0016]).

10.   As per dependent claim 4, Picher and Salo combined teaches claim 1. Salo

teaches the claimed, an web cache software caches web pages that have been

accessed by multiple guests (Fig. 3, page 2, paragraph [0020]).

11.   As per dependent claim 5, Picher teaches the claimed, each of said guests

includes an identification mechanism which is used by said usage collector to compile

usage information specific to each guest (Fig. 2, col. 3, lines 65-66 and col. 4,

lines 45-47).

12.   As per dependent claim 6, Picher teaches the claimed, a local monitor that

collects usage information from the usage collector application and provides further

analysis of the usage information (Fig. 2, col. 4, lines 3-4).

13.   As per dependent claim 7, Picher teaches the claimed, the local monitor couples

to a remote monitor to provide the further analysis of the usage information to the

remote monitor (Fig. 2, col. 4, lines 11-13).

14.   As per dependent claim 8, Picher teaches the claimed, a diagnostic application

that launches when the usage collector detects an abnormality (Fig. 2, col. 4,

lines 45-47).

15.   As per dependent claim 9, Picher teaches the claimed, a management

application that configures the local monitor to provide summary information to the

remote monitor (Fig. 2, col. 4, line 66 to col. 5, line 7).

16.   As per dependent claim 10, Picher teaches the claimed, a management

application that requests programs from the remote monitor based on the result of

diagnostic application (Fig. 2, col. 4, line 66 to col. 5, line 7).

17.   As per dependent claim 11, Picher and Salo combined teaches claim 1. Salo

teaches the claimed, the web cache application, diagnostic application, and

management application may be dynamically modified based on guest usage (Fig. 5,

page 3, paragraph [0031]).

18.   As per independent claim 12, Picher teaches a system and method to provide a

quality of service (QoS) server that stores and monitors user sessions with Simple

Network Management Protocol (SNMP) messages and in addition, the QoS server

gathers event startup/teardown information and network router state information (col. 1,

lines 45-49). Picher teaches the claimed, monitoring usage patterns of the guest

(Fig. 2, col. 3, lines 30-32). detecting a request for Internet access from a guest and

predicting information that may be of interest for the guest based on the guest's usage · patterns and locally caching the information that may be of interest to the guest, prior to the time that the guest requests the information (Fig. 1-2, page 1-2, paragraph [0016] & [0018]). Thus, it would have been obvious to one of ordinary skill in the data processing art at the time of the invention, to have combined the teachings of the cited references because Salo's teachings would have allowed Picher's method to provide the requested data from the ISP cache directly without having to connect to the internet directly and saving cost for accessing the internet (page 1, paragraph [0002]).

19.   As per dependent claim 13, Picher and Salo combined teaches claim 12. Salo teaches the claimed, transmitting information relating to the guest's usage patterns to a remote server, and analyzing the guest's usage patterns at the remote server using artificial intelligence software, and correlating the guest's usage patterns with previously detected usage patterns to predict future usage patterns of the guest (Fig. 3, page 2, paragraph [0018-19]).

20.   As per dependent claim 14, Picher and Salo combined teaches claim 12. Salo teaches the claimed, informing the guest of the locally cached information (Fig. 2, page 1, paragraph [0016]).

21.   As per dependent claim 15, Picher and Salo combined teaches claim 12. Salo
teaches the claimed, the act of predicting includes considering usage patterns of other
guests (Fig. 3, page 2, paragraph [0020]).

22.   As per dependent claim 16, Picher and Salo combined teaches claim 12. Salo
teaches the claimed, multiple guests may request and receive Internet service at
substantially the same time (Fig. 3, page 2, paragraph [0019]).

23.   As per independent claim 17, Picher teaches a system and method to provide a
quality of service (QoS) server that stores and monitors user sessions with Simple
Network Management Protocol (SNMP) messages and in addition, the QoS server
gathers event startup/teardown information and network router state information (col. 1,
lines 45-49). Picher teaches the claimed, a plurality of access points that provide
Internet access for one or more guests, each of said access points including a web
server interface and a usage collector application, with the usage collector application
detecting information relating to guest usage (Fig. 2, col. 3, lines 24-35). Picher teaches
the claimed, a remote management server that couples to said plurality of access points
via the Internet, said remote server including a remote monitor and a database (Fig. 2,
col. 4, lines 11-26). Picher teaches the claimed, the information relating to guest usage
may be transferred from the plurality of access points to the remote management server
(Fig. 2, col. 4, lines 39-52). Picher does not teach explicitly web pages cached in guest
local memory. However, Salo teaches the claimed, the remote management server

analyzes the guest usage using software stored in said database to detect usage

patterns, and the remote monitor downloads information to one or more access points

to enhance the operation of the access point based on the detected usage pattern

(Fig. 1,3, page 2, paragraph [0018-19]). Thus, it would have been obvious to one of

ordinary skill in the data processing art at the time of the invention, to have combined

the teachings of the cited references because Salo's teachings would have allowed

Picher's method to provide the requested data from the ISP cache directly without

having to connect to the internet directly and saving cost for accessing the internet

(page 1, paragraph [0002]).

24.   As per dependent claim 18, Picher teaches the claimed, the usage collector

application also detects information relating to system usage, and said information

relating to system usage also is transferred to the remote management server for

analysis (Fig. 2, col. 4, lines 11-26).

25.   As per dependent claim 19, Picher and Salo combined teaches claim 17. Salo

teaches the claimed, at least one of the access points is a wireless access point that

couples 0to the one or more guests via a wireless transmission medium (Fig. 5, page 2,

paragraph [0027]).

26.   As per dependent claim 20, Picher and Salo combined teaches claim 17. Salo

teaches the claimed, the software stored in the database and used to detect usage

patterns comprises artificial intelligence software (Fig. 5, page 3 paragraph [0031]).

27.   As per dependent claim 21, Picher and Salo combined teaches claim 17. Salo

teaches the claimed, the artificial intelligence software predicts web pages that may be

of interest to guests based on usage patterns, and the access points include a web

cache application for locally caching web pages predicted to be of interest to guests

(Fig. 3, page 2, paragraph [0018]).

28.   As per dependent claim 22, Picher teaches the claimed, the artificial intelligence

software detects improper activity based on usage patterns, and provides instructions to

an access point to take corrective action to minimize the effect of the improper activity

(Fig. 2, col. 4, lines 45-47).

29.   As per dependent claim 23, Picher teaches the claimed, the access points

include a diagnostic application that analyzes the access points to detect possible errors

(Fig. 2, col. 4, lines 53-65).

30.   As per dependent claim 24, Picher teaches the claimed, the diagnostic software

may signal the remote monitor to download a program to an access point to assist in

resolving a detected error condition (Fig. 2, col. 4, lines 53-65).

31.   As per independent claim 25, Picher teaches a system and method to provide a

quality of service (QoS) server that stores and monitors user sessions with Simple

Network Management Protocol (SNMP) messages and in addition, the QoS server

gathers event startup/teardown information and network router state information (col. 1,

lines 45-49). Picher teaches the claimed, interfacing said access point with the multiple

guests means for coupling the access point to the Internet (Fig. 2, col. 3, lines 30-32).

Picher teaches the claimed, monitoring requests made by a guest to collect information

on a guest's usage (Fig. 1, col. 2, line 63 to col. 3, line 1). Picher does not teach

explicitly web pages cached in guest local memory. However, Salo teaches the

claimed, selecting content that may be of interest to the guest based on the

guest's usage and locally storing content that may be of interest (Fig. 1,3, page 2,

paragraph [0018-19]). Thus, it would have been obvious to one of ordinary skill in the

data processing art at the time of the invention, to have combined the teachings of the

cited references because Salo's teachings would have allowed Picher's method to

provide the requested data from the ISP cache directly without having to connect to the

internet directly and saving cost for accessing the internet (page 1, paragraph [0002]).

32.   As per dependent claim 26, Picher teaches the claimed, monitoring requests also

monitors operational parameters related to said on-ramp (Fig. 1, col. 2, lines 53-55).

33.   As per dependent claim 27, Picher teaches the claimed, diagnosing malfunctions

of said on-ramp (Fig. 1, col. 2, lines 51-62).

34.   As per dependent claim 28, Picher teaches the claimed, managing said

on-ramp (Fig. 2, col. 4, lines 51-62).

35.   As per dependent claim 29, Picher teaches the claimed, diagnosing means,

and managing means may be dynamically modified based on the guest's usage

detected by said monitoring means (Fig. 3, col. 5, lines 8-24).

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Sathyanarayan Pannala whose telephone number is

(571) 272-4115. The examiner can normally be reached on 8:00 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Charles Rones can be reached on (571) 272-4085. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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you have questions on access to the Private PAIR system, contact the Electronic

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USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Sathyanarayan Pannala
Examiner
Art Unit 2164

srp
September 25, 2006